



U.S. Citizenship
and Immigration
Services

GB



FILE:



Office: EL PASO

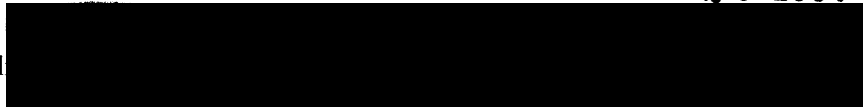
Date:

NOV 23 2004

IN RE:

Obligor:

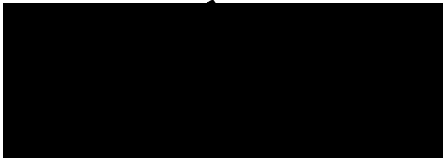
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IMMIGRATION BOND:

Bond Conditioned for Voluntary Departure under § 240B of the Immigration
and Nationality Act, 8 U.S.C. § 1229c

ON BEHALF OF OBLIGOR:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Mari Johnson

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Robert P. Wiemann, Director
Administrative Appeals Office

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DISCUSSION: The voluntary departure bond in this matter was declared breached by the Field Office Director, Detention and Removal, El Paso, Texas, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The record indicates that on March 17, 2004, the obligor posted a \$7,500.00 bond conditioned for the voluntary departure of the above referenced alien. An order of the immigration judge (IJ) dated March 8, 2004, was issued granting the alien voluntary departure in lieu of removal on or before May 7, 2004. On August 16, 2004, the field office director concluded the bond had been breached.

On appeal, counsel asserts that the alien was granted voluntary departure in removal proceedings on March 8, 2004, without the requirement of a voluntary departure bond.

Counsel's assertion is without merit as the obligor posted a \$7,500 voluntary departure bond on March 17, 2004, and that bond is the subject of the current appeal.

The regulation at 8 C.F.R. § 1240.26(c)(3) provides that in order for the voluntary departure bond to be cancelled, the alien must provide proof of departure to the field office director.

No satisfactory evidence has been introduced into the record to establish the alien made a timely departure. The service of a notice to surrender or the presence of a certified mail receipt is not required in voluntary departure bond proceedings.

Voluntary departure bonds are exacted to ensure that aliens will depart when required in lieu of removal. Such bonds are necessary in order for Immigration and Customs Enforcement (ICE) to function in an orderly manner. After a careful review of the record, it is concluded that the alien failed to depart by the stipulated time, the conditions of the bond have been substantially violated, and the collateral has been forfeited. The decision of the field office director will not be disturbed.

ORDER: The appeal is dismissed.